

Appl. No. : 10/056,893
Filed : January 24, 2002

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REMARKS

This Amendment is being filed in conjunction with a petition to revive the above-identified application, which was unintentionally abandoned. Applicant contends that the above amendments place the application in condition for allowance.

The above amendments are identical to amendments made in the Amendment filed by Applicant on June 3, 2004, except that Claim 19 has now been cancelled.

This application has been involved in processing of Applicant's petition for withdrawal of holding of abandonment since the application was abandoned in 2004. Applicant's contention in its petition was that the Amendment filed June 3, 2004 placed the application in condition for allowance, and thus abandonment was improper.

On September 29, 2006, the Office mailed a decision dismissing Applicant's petition, and stating that Applicant's June 3, 2004 Amendment did not place the case in condition for allowance. Specifically, the decision states "It is agreed that including the limitations of dependent claims 17 and 18 (claims with indicated allowable subject matter) into claim 1 by using alternative language and limiting the control mechanism to either a weight or a magnet would not raise a new issue by itself. However, petitioner overlooks the effect of that amendment to claim 1 on dependent claim 19." (Decision on petition, page 1). The decision further states that "the presence of at least claim 19, as proposed to be dependent on amended claim 1 means that applicant's proposed amendment under 37 C.F.R. 1.116 did not *prima facie* place the case in condition for allowance." (Decision on petition, page 2). Since Claim 19 appears to be the only remaining issue in the case, Applicant has now cancelled Claim 19 in order to resolve the issue.

By cancelling Claim 19, Applicant has removed the only unresolved issue in the case. As such, Applicant contends that the application is currently in condition for allowance. If any issue remains, the Examiner is respectfully requested to contact Applicant's attorney.

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Please charge any additional fees, including any fees for additional extension of time (Applicant petitions for any necessary extension of time), or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/4/06

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